



2. Claimant works for respondent as a meat cutter's helper. Claimant testified that on March 15, 2000, she slipped on a wet floor while twisting to grab a squeegee. Claimant felt an uncomfortable feeling in her right hip when she slipped but that feeling soon subsided. The incident occurred at the end of claimant's workday while she was cleaning equipment in respondent's meat department.

3. The next day claimant reported the incident to a supervisor, Chuck Wilson. After working eight hours that day, when she went home claimant noticed an "achy feeling" in the right side of her low back. As claimant's symptoms were initially minimal, she did not request medical treatment and continued to work. But approximately two weeks later, claimant began having a burning sensation in her right leg. Because of other health problems, claimant feared that she was having signs of a stroke.

4. Before the March 15, 2000 incident, claimant had scheduled an appointment to see her personal physician, Dr. Jana Jones. When claimant saw Dr. Jones on April 11, 2000, she was experiencing minor symptoms in the low back but she was primarily worried about the symptoms in her right leg. The doctor recommended x-rays, which were taken on May 3, 2000. At their next appointment on May 17, 2000, the doctor and claimant discussed the x-rays, which indicated degenerative changes in the lumbar spine and mild L5-S1 neural foraminal encroachment on the left side. The doctor then recommended an MRI. At that visit claimant and the doctor discussed the March 15, 2000 incident at work and whether that may have caused the symptoms that claimant was experiencing.

5. On May 18, 2000, claimant reported Dr. Jones' opinions to her supervisors. Respondent then completed an accident report. Later, claimant was notified that respondent's workers compensation insurance carrier was denying her claim. Despite ongoing symptoms, claimant continued to work for respondent and in June 2000 began having increased low back symptoms while filling an open deep freeze with meat. Claimant reported that incident to a supervisor, Archie Raycine. At the time of the preliminary hearing, claimant was continuing to work and taking pain medications that had been prescribed by Dr. Jones. Claimant notes that the lifting, bending, and twisting that she does at work exacerbates her symptoms.

6. Claimant had not experienced either low back or right lower extremity symptoms before the March 15, 2000 incident. Further, claimant is unaware of any incident or accident outside of work that may have injured her back or leg.

7. The Board affirms the Judge's implied finding that claimant injured her low back and right lower extremity while working for respondent. The Board finds, for preliminary hearing purposes, that claimant's testimony is credible and persuasive. The Board concludes that it is more probably true than not true that claimant injured her low back and right lower extremity while working for respondent and, therefore, claimant is entitled to receive workers compensation benefits for those injuries.

**WHEREFORE**, the Appeals Board affirms the November 1, 2000 preliminary hearing Order entered by Judge Howard.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 2000.

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BOARD MEMBER

c: Leah Brown Burkhead, Mission, KS  
John F. Carpinelli, Topeka, KS  
Steven J. Howard, Administrative Law Judge  
Philip S. Harness, Director